

REMARKS

The application has been amended and is believed to be in condition for allowance.

Previously pending claims 1-7 have been cancelled and replaced with new claims 8-21.

The claims have been drafted so as to be proper as to form and so as to patentably recite the invention taking into account the invention as originally disclosed in the specification and illustrated in Figures 1-3.

The previously pending claims were rejected as anticipated by any one of DRATLER 2,680,319; BURCHENAL et al. 2,887,867; RUBY 5,232,762 or 5,618,601; or FR 2636936.

The invention as now recited is believed to be patentable over these references in that the claims recite the invention in a manner which is both novel and non-obvious over each of these references.

None of the references are seen to recite a tile comprising a flexible support bendable from a planar configuration to an overall orthogonal configuration where there is a first surface section that is orthogonal to a third section and a bent second surface section forms a quarter-circle arcuate surface.

That is to say, it this feature in combination with the remaining features that are believed patentable. The claims recite a rectangular first surface element adhered to and

covering the entire first surface section, plural second rectangular surface elements adhered to and running the length of the second surface section, and a third rectangular surface element adhered to and covering the entire third surface section. See that this configuration is illustrated in each of Figures 1-3. The claims also recite air volume recesses running the length of the support on each side of the second surface elements.

The inventive tile provides, in the orthogonal configuration, exposed surfaces of the first through third surface elements adjoining each other to form a continuous exterior surface, with the surface elements bonded to the flexible support. Additionally, there are recited air spaces on each side of the second surface elements. That the lower surface of the surface elements is entirely bonded to the flexible support is recited in either independent or dependent claims.

This combination of features is not seen in any of the references. See that RUBY '601 does not show the lower surfaces of the surface elements being entirely bonded to the flexible support as per Figure 2b. RUBY '762 has the same defect.

The remaining references do not satisfy the structural recitations concerning the flexible support having three parts and configurable between a planar configuration and an orthogonal configuration when there are corresponding first through third rectangular surface elements arranged as recited.

Note that claim 8 uses "consisting essentially of" language with regards to the flexible support.


The dependent claims are also believed to recite patentable features of the invention. For example, claim 11 recites the tile forming a floor-wall skirting. Claim 10 recites the entirety of the lower surfaces of the first through third surface elements bonded to the flexible support. Claims 16-17 are similar in this regard. Claims 19-21 detail other features of the invention believed novel and non-obvious over the prior art.

Accordingly, applicants believe that the present application is in condition for allowance. Reconsideration and allowance of the newly-presented claims are therefore respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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